



Planning and Development Services

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Ordinance Amendment for Title 18 (Subdivisions) and Title 19 (Zoning) of the White City Metro Township Municipal Code

Public Body:	White City Planning Commission
Meeting Date:	April 27, 2023
Project Name:	White City Title 18 and Title 19 Revisions
File Number:	OAM2023-000785
Areas Affected:	All areas within the White City Metro Township, UT
MSD Planner:	Erin O’Kelley, Long Range Planner
Recommendation:	Recommend adoption of Titles 18 and 19, with revisions as outlined, to the White City Metro Township Council.
Disclaimer:	This application does not involve the rezoning of any properties within the White City Metro Township boundary, only changes to the ordinance regulations.

SUMMARY

MSD Planning & Development Services (“PDS”) was tasked by the White City Metro Township Council to lead an overhaul of the community’s land use ordinances, including Title 18: Subdivisions and Title 19: Zoning. From the summer of 2022 to March 2023, the White City Council (“Council”) and Planning Commission (“Commission”) were sent drafted revisions of these ordinances (a total of 40 chapters). During the winter of 2023, staff met with the Council three times to facilitate in-depth discussions of the drafted ordinances. Staff then tailored the Title 18 and 19 drafts according to the feedback received.

At the last Planning Commission meetings held in February and March 2023, the Commission finished reviewing the summary of changes to the code. The next discussion of Titles 18 and 19 will occur at a public hearing, scheduled for April 27th, 2023. At the hearing, the Planning Commission will take comments from the public regarding the drafted ordinances. Following the public comment period, the Commission may make a recommendation to the Council regarding the adoption of the ordinances as drafted. Staff is recommending that the Planning Commission make a recommendation of adoption with revisions to the Council, as outlined later in this report.

The code update goals are as follows.

1. *To remove errors, inconsistencies, or ambiguity.* This is to prevent White City’s land use code from being challenged in court and will also help build more defensible actions for the Planning Commission and Council when making land use decisions.
2. *To update from older, outdated practices.* Some of the methods used in the land use code are outdated and can cause ambiguity. For example, the methods for measuring setbacks in the agricultural zone are to measure 8 feet on each side at a minimum or the sum of both measurements is equal to 18 feet. This means 9 feet may be allowed on one side and 9 on the

other side but shall be no less than 8 feet on each side. This is unnecessarily confusing for property owners and can be challenged in court. As a solution, the staff is recommending that this be updated to a minimum of 8 feet on each to create clear and concise standards.

3. *To make the code compatible with the new general plan.* White City's code currently has 24 zones. There are only 4 zones present in White City and the General Plan does not envision any of the other existing zones in the future. The staff is recommending this be changed to accurately reflect the vision in the General Plan.

ATTACHMENTS

The following attachments are included as supplementary materials to the end of this staff report:

1. **Title 18 Public Hearing Draft with Track Changes:** the entirety of White City's drafted subdivision ordinance as proposed for adoption.
2. **Title 19 Public Hearing Draft with Track Changes:** the entirety of White City's drafted zoning ordinance as proposed for adoption.

BACKGROUND

Project Purpose:

Land Use Ordinances determine the use, development, and subdivision of property within a municipality. A municipality's right to implement land use ordinances is tied to its "Police Power" (or to the essential task of protecting public health, safety, and welfare). Private property rights are balanced with public needs, in order to ensure safe, equitable, and sustainable development.

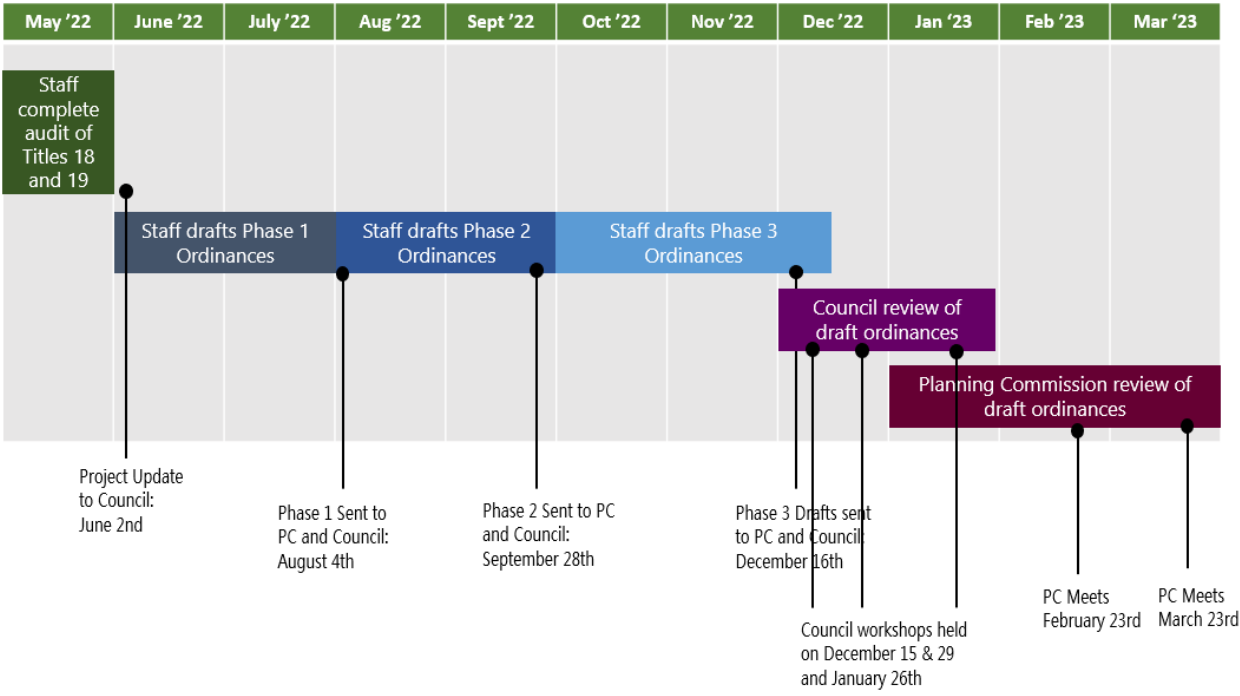
White City Metro Township identified the need to update its land use ordinances, namely Titles 18 (Subdivisions) and 19 (Zoning) in order to achieve the following:

- Ensure compliance with State Statute, which restricts the authority and powers of local government;
- Encourage conformity with the White City General Plan, which was adopted in 2022 and sets a vision for the community's future land uses;
- Promote ease of use for both staff and residents by using clear and concise language and incorporating graphics where appropriate; and
- Meet the unique needs and preserve the character of the White City community.

Project Timeline:

Revisions to Titles 18 and 19 took place over eleven months (May 2022 – March 2023) as shown in Figure 1. The project included initial data collection (audit), ordinance drafting, internal and external review, and discussion at public Planning Commission meetings.

Figure 1. Project Timeline – Revisions to White City Titles 18 and 19

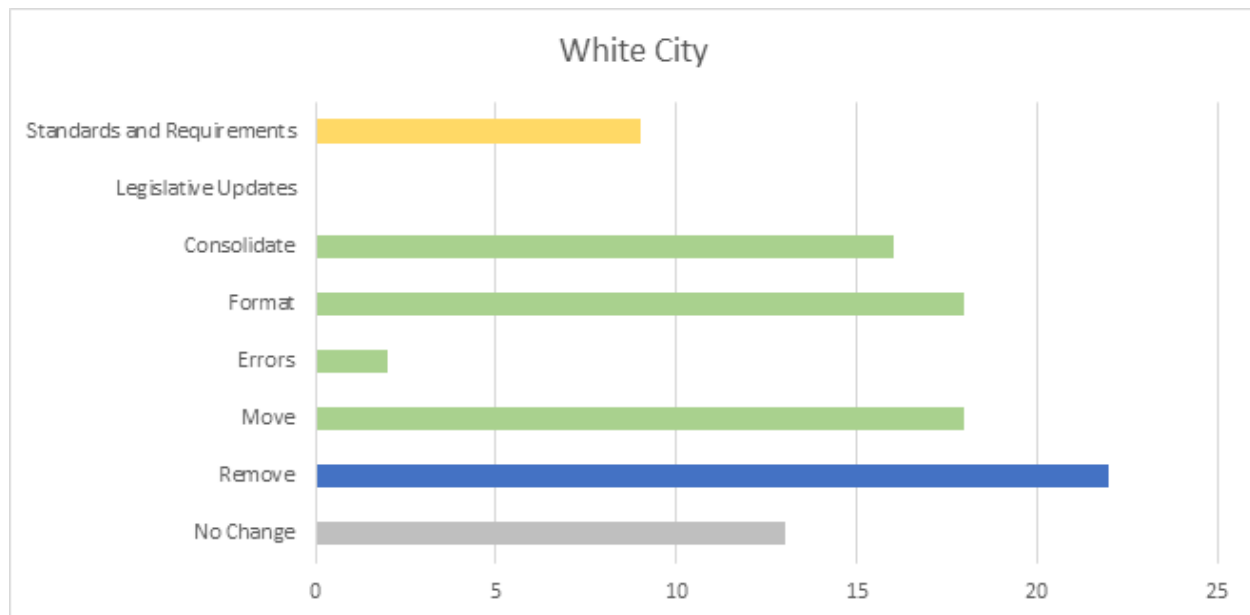


Credit: MSD Long Range Planning

Methodology:

In the first quarter of 2022, Erin O’Kelley (Long Range Planner) performed an in-depth analysis of existing Title 19 Ordinances to provide a basis from which the project team could begin their revisions. This analysis helped the team understand how much time to allot to various tasks, such as removing outdated sections or obsolete zoning districts, consolidating materials for ease of use, and updating language to reflect recent legislative changes and the vision of the White City General Plan. Figure 2 comprehensively portrays the work that staff estimated needed to be completed on White City Ordinances.

Figure 2. Estimation of White City Title 19 Needed Actions



Credit: MSD Long Range Planning

The bar chart is color-coded to show changes that staff expected to require a low, medium, or high effort. Low-effort actions included the removal of certain sections of code that were no longer applicable (blue). For example, White City did not need to retain the existing Foothills and Canyons Overlay Zone (FCOZ). Medium-effort actions involved moving, reformatting, or consolidating chapters or sections of the ordinance, as well as bringing those sections into compliance with State Code (green). Finally, high-effort actions were those that required an updating of chapters or sections in order to improve standards and requirements or facilitate General Plan implementation (yellow).

In addition to greater staff expertise being needed for the high-effort changes, it was anticipated that those actions would trigger a higher level of engagement from the community. As a general strategy, staff elected to draft the 'High-Effort' ordinance updates first so that the Planning Commission and Council had the most time to look over those sections before adoption. Many of the anticipated High-Effort Draft Chapters (namely the Zone Chapters) were included in Phase One, which was sent to the community at the beginning of August 2022. Phase Two included several Medium-Effort Draft Chapters. Phase Three drafts included the lowest effort chapters, including the Subdivision Ordinance (Title 18). All chapters required thorough review and consideration from the community but some, such as Chapter 19.56 (Floodplain Regulations), did not require a great deal of community-specific revisions.

Ordinance-Writing Methodology: Staff followed several steps in order to produce the drafted chapters presented in Exhibits 1 and 2.

1. Staff members were assigned various chapters to research. They drew on model codes, planning best practices, and existing conditions to draft a "model chapter" that other staff members would later use as a basis for code revisions in their own communities (all five Metro Townships went through this process simultaneously with White City).
2. Staff members reviewed each other's work at weekly Ordinance Update Meetings. Model ordinances were revised in response to feedback.
3. Model Ordinance Chapters were sent to the Smith-Hartvigsen legal team for review.
4. Staff members revised their model ordinances accordingly.

5. The planner assigned to each community reviewed the Model Ordinance Chapters and tailored them to their specific community (in this case, White City). Planners reviewed the community's General Plan, existing ordinances, pre-analysis, and other sources relevant to the community vision.
6. After revisions were made based on the community's comments, the final drafts we sent back to the Smtih-Hartvigsen legal team for review.

State Code Requirements:

State Code §10-9a-Part 5 establishes powers and limitations related to municipal land use ordinances. This Section was referenced frequently by staff as they prepared drafted ordinances. The State Code provides specific guidance for topics such as amateur radios, conditional uses, residential facilities, and accessory dwelling units. State Code language was incorporated into the drafts of Titles 18 and 19 as applicable.

Section 10-9a-501:503 outlines the process for preparing and adopting municipal land use ordinances. The Planning Commission is responsible for holding a public hearing to consider any proposed land use ordinance or amendment. The hearing must be noticed consistent with State Code §10-9a-205. Following the public hearing, the Planning Commission may make a recommendation to the Council regarding the adoption of the drafted ordinances. Only the Council (as the legislative body) can make a final decision on the ordinances.

Decision-Making Authority:

The White City Council, as the municipality's legislative body, has the final authority to make a decision regarding the drafted ordinances. However, the Council must first receive a recommendation from the Planning Commission. Following the April 27th public hearing, the Commission may make a motion to:

- Recommend adoption of Titles 18 and 19 as drafted;
- Recommend adoption of Titles 18 and 19 with revisions; or
- Recommend that Titles 18 and 19 not be adopted.

ORDINANCE CONTENT

Sections:

The drafted land use ordinances (Titles 18 and 19) include the following Chapters (with brief descriptions):

Title 18 Subdivisions (Entirety): Title 18 has been significantly revised for state code compliance and consistency with planning best practices. Subdivision application requirements and procedures were clarified. A new, streamlined process was added for subdivisions of five or fewer lots. The Director or Designee is proposed to be the final approval authority on these small subdivisions. An optional concept plan review step was added to the subdivision process, allowing the applicant to obtain feedback and familiarize themselves with requirements before submitting a preliminary plat application. Additional subdivision design standards were included to promote quality development.

Title 19 Chapters

1. ***Chapter 19.02 Title, Purpose, and Applicability:*** this chapter is much shorter than the existing Chapter 19.02 and explains the new format of the zoning ordinance.

2. **Chapter 19.04 Definitions:** rather than defining terms in each individual chapter of Titles 18 and 19, staff relocated all definitions to this single chapter. Where possible, terms and definitions were consolidated to reduce redundancy and improve readability.
3. **Chapter 19.06 Nonconformities:** this Chapter contains the regulations regarding nonconforming uses and structures found in existing Chapter 19.88. There were not any substantive changes to this content.
4. **Chapter 19.08 Enforcement:** most language related to enforcement is being moved to Title 12 of the Municipal Code. This Chapter was significantly shortened and largely references the Title 12 materials.
5. **Chapter 19.10 Procedures for Analyzing Takings:** this language is derived from state code; minimal changes were made to the existing Ordinance.
6. **Chapter 19.12 Administrative Bodies, Powers, and Duties:** this Chapter combines all sections related to authorities and their powers, including the existing Chapter on Planning Commissions, into one comprehensive Chapter. The Chapter defines the roles of the Land Use Hearing Officer (an Administrative Law Judge) and Planning and Development Services Director. Language related to these roles was previously scattered throughout the ordinance or not included at all.
7. **Chapter 19.14 Establishment of Zones, Maps, and Zone Boundaries:** the list of zones established was updated to reflect both newly created zones and those that were removed for the community.
8. **Chapter 19.16 Land Use Processes and Procedures:** all provisions related to land use processes and procedures, including permitted and conditional use application processes, were combined into this Chapter. Clear application standards are articulated for each type of land use application.
9. **Chapter 19.18 Planned Unit Developments (Removed):** this Chapter has been removed from the ordinance and is now “reserved” for future use. We don’t anticipate any PUDs being developed in White City.
10. **Chapter 19.20 Variances, Exceptions, and Appeals:** this Chapter combines all standards related to variances, exceptions, and appeals in one place.
11. **Chapter 19.22 Parks and Open Space Zones:** this new chapter creates a zoning district specifically for park spaces, with recreation as the primary goal. This zone is intended for application on White City’s existing park spaces.
12. **Chapter 19.26 Agricultural Zones:** Standards in this zone were simplified and clarified, and the chapter now emphasizes single-family development with small-scale agricultural uses. The A-2 zone still has similar regulations to the existing ordinance and the ordinance in Salt Lake County to continue compatibility with existing uses on properties.
13. **Chapter 19.28 Single-Family Residential Zones:** staff removed the R-1 Zones less than 8,000 square feet to prevent increased density in residential areas. Several standards were added to this Chapter, including standards for accessory structures, fencing, and lot development.
14. **Chapter 19.30 Medium Density Residential Zones:** R-2, and R-4 Zones were combined into a single chapter. Incompatible uses were removed from the zoning districts and development standards were added to ensure that any new development in these zones is compatible with the surrounding neighborhood.

15. **Chapter 19.32 Commercial Zones:** staff removed the C-V and the C-3 Zone from Chapter as they are not currently applied in the community and is unlikely to be needed in the future. The C-1 Zone was re-imagined as a smaller-scale commercial zone. The C-2 Zone is now intended primarily for shopping centers with appropriate standards regarding form. Development standards previously missing from the ordinance were added to this Chapter, including lot size and frontage, build-to-line, walkway, and architectural standards.
16. **Chapter 19.34 Manufacturing Zones(removed):** this Chapter has been removed from the ordinance and is now “reserved” for future use. We don’t anticipate any manufacturing being developed in White City.
17. **Chapter 19.36 Mixed-Use Zones:** two new mixed-use zones were drafted for White City. The NMU Zone allows for the vertical and horizontal mixing of residential, commercial, and civic uses at a small, neighborhood scale. The CMU Zone is intended for transit corridors and allows for a greater intensity of mixed-use to support housing and commercial needs where such uses can be supported by the existing infrastructure.
18. **Chapter 19.42 Specific Use Standards:** this Chapter is new but does carry some of the previous standards from Supplementary and Qualifying Regulations. Development standards were added for specific uses to encourage quality development, reduce any negative externalities associated with the use, and promote harmonious uses across the community. The standards are intended to regulate those items which the community would typically be concerned with during a conditional use review. Regulating each use through detailed standards allows the community to reduce its reliance on conditional uses and clearly communicate expectations to potential developers.
19. **Chapter 19.44 Temporary Use Standards:** regulations related to temporary uses (such as fireworks or Christmas tree sales) were updated and combined into this single chapter.
20. **Chapter 19.46 Site Development Standards:** this is a new chapter that combines provisions related to site development that were scattered across Title 19; it adds additional standards to improve the safety, efficiency, and quality of new development.
21. **Chapter 19.48 Off-Street Parking and Loading:** this chapter makes several changes to the existing ordinance, including organizing the required number of off-street parking spaces into a single table based on land use, adding parking maximums, addressing vehicle stacking and loading spaces, and articulating mobility and pedestrian circulation standards for parking lots.
22. **Chapter 19.50 Landscaping and Screening:** the Landscaping Chapter was modified to include additional language on water-wise landscaping, landscaping of parking lots, and tree replacement standards.
23. **Chapter 19.52 Signs:** this Chapter was significantly revised to achieve consistency with recent federal case law. In addition, lists of exempt and prohibited signs were expanded to reflect planning best practices, prevent unnecessary sign clutter, improve safety, and protect community character. Pole signs were prohibited, and language regarding sign permitting was clarified.
24. **Chapter 19.56 Flood Plain Regulations:** this Chapter was updated to match current FEMA standards.
25. **Chapter 19.58 Geological Hazards:** the Geologic Hazards Chapter retains the same content as what is existing in Title 19, but has been renumbered and reformatted to match the rest of the

drafted ordinances.

Key Revisions:

Staff worked with the Council to tailor drafts of Title 18 and 19 to the needs of White City. A few of the notable, community-specific revisions include:

1. Creation of a mixed-use zoning district for the 106th Corridor.
2. Creation of a parks and recreation zoning district to protect park destinations within White City (Chapter 19.22).

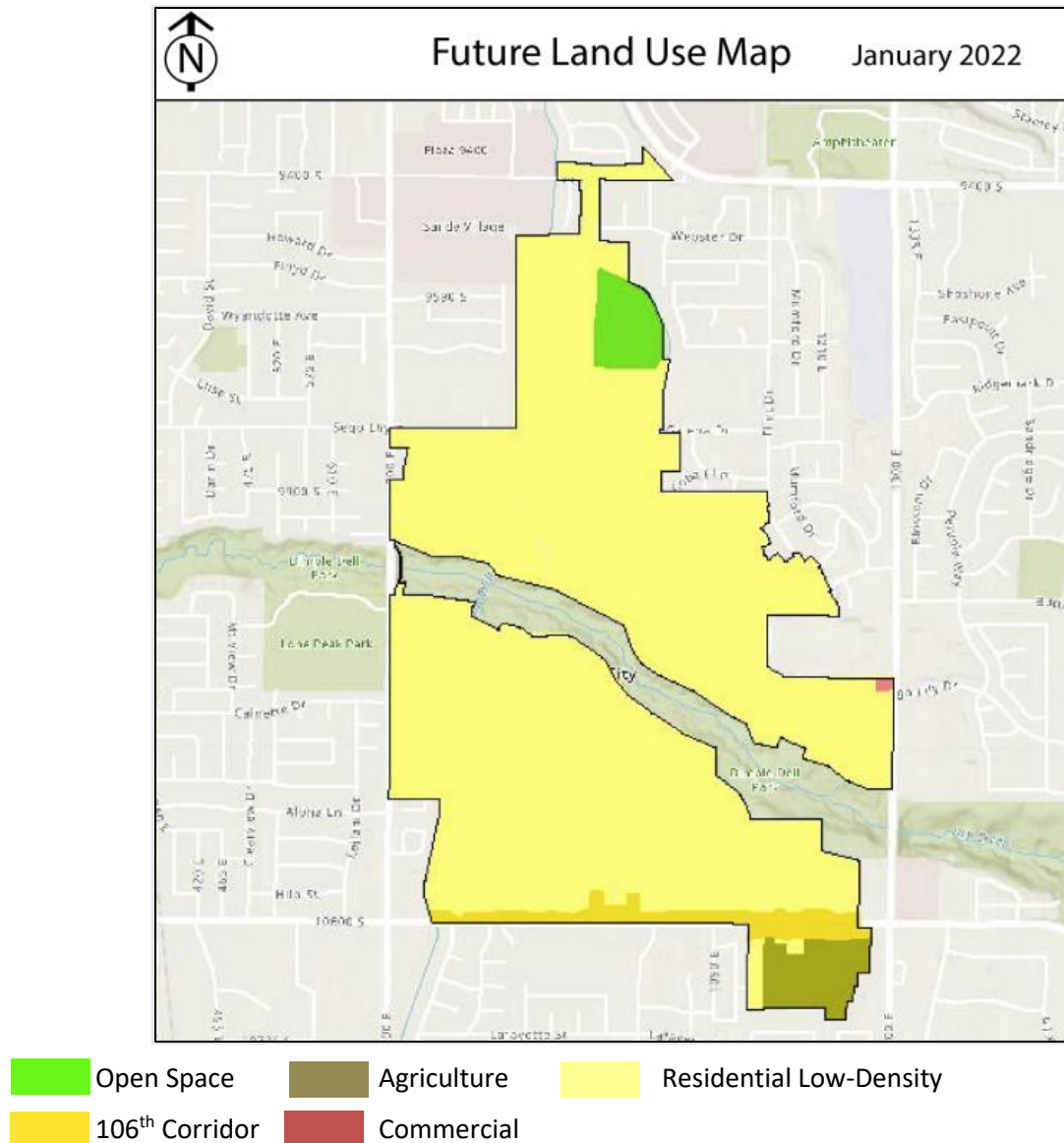
STAFF ANALYSIS

Compatibility with Existing Plans and Ordinances:

Staff frequently referred to the adopted White City General Plan as they prepared Titles 18 and 19. This is most evident in the revisions made to White City's zoning districts, which reflect the character areas (future land uses) identified in the Land Use Chapter of the General Plan (see Figure 3).

The new Parks and Recreation Zone can be applied to areas such as Bear Park, while the mixed-use zones are tailored for the 106th Corridor. The map shown in Figure 3 was also used by staff in determining which zoning districts could be eliminated from Title 19 (those that are not currently applied and are unlikely to be desired in the future).

Figure 3. Future Land Use Map in the White City General Plan (page 69)



Credit: White City General Plan, 2022

Integration of Staff and Partner Comments:

The Council and Planning Commission had several opportunities to review and provide feedback on drafted chapters. As each phase of ordinances was sent to the Commission and Council, members were asked to call or email the planning team with questions or comments. Once all the chapters had been drafted and sent out, the planning team began meeting with the Council at public meetings. Feedback received from the Council during these meetings was incorporated into Titles 18 and 19 as presented in Exhibits 1 and 2.

In addition to the Commission and Council, the drafted ordinances were reviewed by several other entities:

- The Greater Salt Lake Municipal Service District's (MSD's) Current Planning team reviewed and commented on all ordinances.
- The Smith-Hartvigsen legal team reviewed and commented on all ordinances.

- The Salt Lake County District Attorney’s Office reviewed and provided feedback on the sign ordinance (Chapter 19.52).
- The International Sign Association and Sign Research Foundation reviewed and provided feedback on the sign ordinance (Chapter 19.52).
- The Salt Lake County Surveyor’s Office reviewed and commented on all of Title 18: Subdivisions.
- Salt Lake County Engineering Staff reviewed and provided feedback on Title 18 and the Off-Street Parking Standards (Chapter 19.48).
- The MSD’s Code Enforcement Officers reviewed Title 19 for possible improvements to the language regarding weeds, parking, and junk.

Generally, the feedback from these entities was positive. Their questions and recommendations allowed staff to further vet the drafted ordinances and craft improvements. All comments have been incorporated into the public hearing drafts of Titles 18 and 19.

Consistency with State Code Requirements:

State Code requirements related to land use ordinances are found in Part 5 of State Code §10-9a. The staff incorporated all state provisions up to January 1st, 2023. Over the past few months, the Utah Legislature made additional changes to state code that impact land use ordinances. Not all of these changes have been addressed; thus, staff is asking that the Commission make a recommendation of adoption with revisions. The planning team and Smith-Hartvigsen legal team will do a final review for state-code consistency prior to presenting the ordinances to the Council for adoption.

Anticipated Impacts:

The goals of this project were to:

- Ensure compliance with State Statute;
- Encourage conformity with the White City General Plan;
- Promote ease of use for both staff and residents; and
- Meet the unique needs and preserve the character of White City.

Staff has sought to uphold these goals by frequently referencing the General Plan during drafting, working closely with their legal team, incorporating graphics and clear language, and reaching out to staff and stakeholders for additional feedback.

It is possible that adoption of Titles 18 and 19 would create some non-conforming uses in White City. However, it should be noted that any use legally established prior to the adoption date of the ordinances is allowed to continue (even if the owner of the property changes). For the most part, staff tried to prevent the creation of non-conforming uses by crafting ordinances that match existing conditions.

NEIGHBORHOOD RESPONSE

At the February and March Planning Commission meetings, staff received the following comments regarding the agricultural zone in the draft code:

- To be compatible with existing development, accessory structures in the A-2 should be allowed to be a maximum of 14,000 square feet per accessory structure.
- The maximum lot coverage for all buildings on the property should be restored back to 70%,

which is currently allowed in the A-2 zone.

- The following uses should be permitted uses in the agricultural zone (they are already there and were removed by staff): dog breeding, manure spreading, processing and sales, fertilizer and soil conditioner, bed and breakfast, animal hospital, egg candling and sales, dog pound, dog kennel, dog training school, daycare/preschool,
- The maximum height for accessory structures should be 35 feet, similar to the maximum height for residential uses.

STAFF RECOMMENDATION

The project team has thoroughly reviewed the drafted Title 18 and 19 Ordinances. In addition, the draft was sent to additional MSD departments, outside partners, and the Commission and Council for comment. Based on their review and analysis, staff finds that:

1. The drafted ordinances further the goals of the General Plan, including promoting consistency with the White City Future Land Use Map.
2. The drafted ordinances meet existing state code requirements but will need additional revision to come into compliance with recently passed bills, including:
 - a. HB 406 – changes made to the subdivision process and to bonding.
 - b. HB 450 – slight revisions to municipal land use authority regarding water-efficient landscaping.
3. The Planning Commission and Council received all drafted Chapters in December 2022, and have had the opportunity to provide feedback to staff virtually and in-person.
4. The revisions to Titles 18 and 19 are expected to meet the project goals identified by the Council and project team. Any non-conformities created will be able to continue into the future (even if a change in ownership occurs) so long as they were legally established prior to the adoption of revised Titles 18 and 19.

Given the above findings, staff recommends that the Planning Commission make a:

Recommendation of adoption with revisions which include incorporating new state code language in HB 406 and 450 and making any other grammar, formatting, or referencing revisions as needed to prepare the final drafts for adoption.

NEXT STEPS

Following the public hearing and a recommendation by the Planning Commission, the Council will review the staff report and recommended changes to Titles 18 and 19 at the next available council meeting. The Council may adopt, adopt with revisions, or not adopt Titles 18 and 19. If adopted, the drafted ordinances will replace all of the existing Titles 18 and 19, as well as select provisions in Titles 9, 12, and 14. This item represents a text amendment ONLY and does not include any revision to White City's official zoning maps.

